

**COMMON COUNCIL**

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

**FIFTEENTH REGULAR MEETING**

The Council met: Monday, November 7, 2011.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Absent and Excused: None.

On motion by Alderperson Dekker and second by Alderperson Hammond, the reading of the minutes of the Fourteenth Regular Meeting held October 17, 2011, were approved as entered on the record, all Alderpersons present voting "Aye".

**MAYORS APPOINTMENTS**

November 7, 2011

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your confirmation:

**BUSINESS IMPROVEMENT DISTRICT**

<u>NAME</u>	<u>APPOINTED</u>	<u>EXPIRES</u>
Cleo Messner	11/07/11	09/12/14
Eileen Simenz	11/07/11	09/12/14
Caitlin Brotz	11/07/11	09/12/14
Mike Miller	11/07/11	09/12/14
Mary Christian	11/07/11	09/12/14
Bill Holbrook	11/07/11	09/12/14

MAYOR BOB RYAN

Lies over under the rules.

**ELECTION OF ALDERPERSON FOR DISTRICT #5 TO FILL VACANCY**

Susan Lessard spoke.

Alderperson Dekker made a motion to receive nominations from the floor, voting to be done by open ballot, and if more than two candidates are nominated, the candidate with the lower number of votes be dropped from the list, and balloting to continue until one candidate receives a majority. A motion by Alderperson Hammen and second by Alderperson Van Akkeren was made to nominate Susie Lessard and second by Alderperson Hammond.

A motion by Alderperson Dekker and second by Alderperson Hammond was made to close the nominations and to direct the City Clerk to cast a unanimous ballot for Susie Lessard for the office of Alderperson of District #5.

On motion by Alderperson Dekker and second by Alderperson Hammen, Susie Lessard lost on call of the roll:

Ayes: Hammen Kittelson, Matichek, Roeseler, Van Akkeren – 5.

Nays: Boeldt, Bohren, Carlson, Dekker, Hammond, Heidemann, Kath, Sampson, VanderWeele, Versey – 10.

On motion by Alderperson Versey and second by Alderperson Boeldt, the Aldermanic seat for District #5 remain vacant, passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Heidemann, Kath, Matichek, Roeseler, Sampson, VanderWeele, Versey – 12.

Nays: – Hammen, Kittelson, Van Akkeren – 3.

**PUBLIC FORUM**Dolcye Johnson, 1306 N. 3<sup>rd</sup> St., Milt Storm, 1736 Marvin Ct., and Dimple Adams, 1424 Virginia Ave. spoke. An additional minute was granted to Dolcye Johnson and Dimple Adams to speak by Alderperson Dekker and second by Alderperson Hammond.**MAYOR'S ANNOUNCEMENTS**

On motion by Alderperson Dekker and second by Alderperson Hammond, the following documents notated with an asterick (\*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**COMMUNICATIONS AND PETITIONS**

**Com. No. 15 - 11 - 12. November 7, 2011.**

Submitting a communication from Mary Turk requesting some sort of signage to be put near the crosswalk/curb in front of Alpine Condos at 928 Wisconsin Ave.

Was referred to the Committee on Public Works and Safety.

**REPORTS OF OFFICERS**

**\*R. O. No. 241 - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. November 7, 2011.**

Attached hereto we are submitting applications for Building Contractor Licenses already GRANTED:

2279 Glenn Christel Carpenter Contractor  
20401 Drews Road  
Kiel, WI 53042

**\*R. O. No. 242 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting various license applications.

**TEMPORARY CLASS"B" LICENSE APPLICATION**

(Already Granted 8/15/11 – date changed)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2856	GLASEC	Broughton Dr.(Armory) – one-day event to be held 11/19/11.

**TEMPORARY CLASS"B" LICENSE APPLICATION**

<u>No.</u>	<u>Name</u>	<u>Address</u>
2541	Sheboygan Visual Arts	1201 Erie Ave. – two-day event to be held 12/02/2011 to 12/03/2011 in mail floor gallery.
1377	St. Dominics Church	2133 N. 22 <sup>nd</sup> St. – one-day event to be held 01/29/2012 in the PAC Hall.

**\*R. O. No. 243 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting an application for a private well permit for Francis Souik at 4168 S. 15<sup>th</sup> St. for outdoor watering.

**\*R. O. No. 244 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting, as a matter of record, a communication from the Program Managers, NE Region – Green Bay, Division of Transportation System Development regarding the approved new project State/Municipal Agreement.

**\*R. O. No. 245 – 11 - 12. By CITY PLAN COMMISSION. November 7, 2011.**

Your Commission to whom was referred the following documents:

1. Com. No. 9-11-12 submitting a communication from Gerald DuMonthier stating his objection to the proposed liquor store on the corner of Wilson Avenue and South 12<sup>th</sup> Street;
  2. Com. No. 10-11-12 submitting a communication from Rick and Debbie Herber stating that the proposed liquor store to be located on the corner of South 12<sup>th</sup> Street and Wilson Avenue is a poor idea;
  3. Com. No. 11-11-12 submitting a communication from Richard, Gail and Tammy Edler stating that they are against a liquor store locating on the corner of South 12<sup>th</sup> Street and Wilson Avenue as there are 5 schools in the area, a rehab house and lots of children; and
  4. Com. No. 12-11-12 submitting a communication from Kathy and Bernie Ross stating that they are opposed to the approval of any liquor licensing in their area of South 12<sup>th</sup> Street as there are too many schools in walking distance including small children;
- wishes to report this matter was discussed at the regular meeting of the City Plan Commission, October 25, 2011, and after due consideration, recommends the documents be accepted and placed on file.

**\*R. O. No. 246 - 11 - 12. By CITY PLAN COMMISSION. November 7, 2011.**

Your Commission to whom was referred R. O. No. 231-11-12 relative to submitting a communication from Joe Rupnik, Executive Director of the City of Sheboygan Housing Authority, stating that the Housing Authority has made an offer to purchase a property located at 2205 Erie Avenue and one contingency of the sale is that it is approved by the Sheboygan Common Council; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, October 25, 2011, and after due consideration, recommends approval of the purchase and further recommends that after the property is acquired by the Housing Authority, the two parcels be combined into one.

**\*R. O. No. 247 - 11 - 12. By CITY PLAN COMMISSION. November 7, 2011.**

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Your Commission to whom was referred Res. No. 88-11-12 relative to adopting the Schuchardt Farms Conservation Plan to protect important resources on the site, while at the same time providing development opportunities to promote job creation goals of the City of Sheboygan; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, October 25, 2011, and after due consideration, recommends approval of the Resolution.

**R. O. No. 248 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Patricia Aaholm suggesting that the vacant Aldermanic Seat for District #5 be held open until a general election can be held in April 2012.

On motion by Alderperson Bohren and second by Alderperson Hammen, the Report of Officer was filed, all Alderpersons present voting "Aye".

**R. O. No. 249 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting, as a matter of information, a statement from the City Clerk regarding the costs for a potential recall primary and/or recall election in for Mayor Ryan. These figures have not been included in my budget request for 2012.

Estimates as of today are as follows:

Lies over under the rules.

**R. O. No. 250 - 11 - 12. By CHIEF ADMINISTRATIVE OFFICER. November 7, 2011**

As part of the budget process, the attached listing of the Estimated Unreserved Fund Balances at December 31, 2012 and outstanding debt as of December 31, 2012 is submitted for your review.

Lies over until November 21.

**R. O. No. 251 - 11 - 12. By CITY PLAN COMMISSION. November 7, 2011.**

Your Commission to whom was referred Gen. Ord. No. 37-11-12 and R. O. No. 232-11-12 relative to amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at 1216 Union Avenue from NR Neighborhood Residential to NC Neighborhood Commercial Classification; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, October 25, 2011, and after due consideration, recommends approval of the Ordinance and the Report of Officer be accepted and placed on file.

Lies over until November 21.

**R. O. No. 252 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Joe Jantz, owner of Tidy Car of Sheboygan, requesting encroachments for areas around his business at 810 N. 14<sup>th</sup> St. and 1418 Wisconsin Ave.

Was referred to the City Plan Commission.

**R. O. No. 253 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting the Wisconsin Department of Public Instruction Tax Levy Certification for the 2011-2012 School Year.

Was referred to the Committee on Finance.

**R. O. No. 254 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Dr. Michael Lanser, President of LTC, Lakeshore Technical College regarding the 2011 Tax Levy.

Was referred to the Committee on Finance.

**R. O. No. 255 - 11 - 12. By PURCHASING AGENT. November 7, 2011.**

Submitting a tabulation of Request for Bids # 1881-11 received on October 24, 2011 for the necessary modification of the eaves followed by the installation of gutters and downspouts on the Harbor Centre Marina Administration Building.

Was referred to the Committee on Finance.

**R. O. No. 256 - 11 - 12. By SHEBOYGAN TRANSIT COMMISSION. November 7, 2011.**

Your Commission met and discussed the Sheboygan Parking Utility Budget for 2012 and recommends that the Budget be passed.

Was referred to the Committee on Finance.

**R. O. No. 257 - 11 - 12. By SHEBOYGAN TRANSIT COMMISSION. November 7, 2011.**

Your Commission met and discussed the Shoreline Metro Budget for 2012 with the necessary adjustments to provide hourly service on Saturdays with all day Shuttle service; recommends that the Budget be approved.

Was referred to the Committee on Finance.

**R. O. No. 258 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Gretchen Thomes, Assistant Superintendent of the Sheboygan Area School District, submitting the approved Tax Levy for the 2011-2012 School Year.  
Was referred to the Committee on Finance.

**R. O. No. 259 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.  
Was referred to the Committee on Law and Licensing.

**R. O. No. 260 - 11 - 12. By DEPUTY FINANCE DIRECTOR/TREASURER. November 7, 2011.**

Submitting the Harbor Centre Marina Balance Sheet from Operations dated September 30, 2011, as submitted by Skipper Marine.  
Was referred to the Marina and Harbor Committee.

**R. O. No. 261 - 11 - 12. By BUILDING INSPECTION DEPARTMENT. November 7, 2011.**

We hereby submit the report of the Building Inspection Department for the month of September 2011.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 262 - 11 - 12. By BUILDING INSPECTION DEPARTMENT. November 7, 2011.**

We hereby submit the report of the Building Inspection Department for the month of October 2011.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 263 - 11 - 12. By CHIEF OF POLICE. November 7, 2011.**

Pursuant to Section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the activities of my department for the period commencing July 1, 2011 and ending September 30, 2011.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 264 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Lester Pierce stating that the parking signs at the intersection of 5<sup>th</sup> St. and Washington Ave. were removed in 2000 but the Yield sign is a problem and requesting that the committee look into this.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 265 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Darnell Johnston requesting a waiver from the Sex Offender Residency restrictions in order to live at 1917 N. 5<sup>th</sup> St.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 266 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections filing an appeal to the Sex Offender Residency restrictions on behalf of State inmate Kevin Hartl in order for him to be placed at a Transitional Living Placement (TLP) located at either 930A Michigan Ave. or 1123 or 1125 N. 14<sup>th</sup> St., Sheboygan.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 267 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Rhyann Zimmerman requesting a waiver to the Sex Offender residency restrictions to move from 1427 N. 10<sup>th</sup> St., Apt. 449 to 1427 N. 10<sup>th</sup> St., Apt. 321 or 325.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 268 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections filing an appeal to the Sex Offender Residency restrictions on behalf of Richard Rupnik to place him at a Transitional Living Placement (TLP) residence located at either 1123/1125 N. 14<sup>th</sup> St. or 931A Michigan Ave.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 269 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections filing an appeal to the Sex Offender Residency restrictions on behalf of George Harris to place him at a Transitional Living Placement (TLP) residence located at either 1123/1125 N. 14<sup>th</sup> St. or 931A Michigan Ave.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 270 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Brett Edgerle requesting the use of the Quarryview Building for the 2012 XTERRA Dairyland set for August 11, 2012.

Was referred to the Committee on Public Works.

**R. O. No. 271 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Jill Zschetzche regarding the problems she and some of her neighbors are having with street lights that have been installed in the alley and stating that the way they are pointed is shining into their homes. This issue has been going on for some time and she is asking that some compromise be reached.

Was referred to the Committee on Public Works.

**R. O. No. 272 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a communication from Fritz Grunewald of the Kettle Moraine Corvette Club requesting permission to hold their Custom Car Show on the grounds at the cul de sac at the east end of South Pier Dr. on Sunday, August 26, 2012.

Was referred to the Redevelopment Authority.

**R. O. No. 273 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a claim from Elaine Arpke for alleged injuries when she fell at the Sheboygan Senior Activity Center.

Was referred to the Special Committee on Risk Management.

**R. O. No. 274 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a Notice of Motion and Motion For Default Judgment of Foreclosure in the matter of Wisconsin Housing and Economic Development Authority vs. Peter Zabel and Jane Doe et al.

Was referred to the Special Committee on Risk Management.

**R. O. No. 275 - 11 - 12. By CITY CLERK. November 7, 2011.**

Submitting a report from the City of La Crosse Fire Department by Chief Hermann stating that it may be a very useful tool for the Strategic Fiscal Planning Committee when reviewing the long range plan for the Sheboygan Fire Department.

Was referred to the Strategic Fiscal Planning Committee.

**RESOLUTION INTRODUCED**

**\*Res. No. 89 - 11 - 12. By Alderpersons Kittelson, Bohren and Hammond. November 7, 2011.**

**A RESOLUTION** authorizing the filing of an application with the United States of America Department of Transportation and authorizing the executing of the contract pertaining to grants for calendar year 2012, under former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended.

**WHEREAS**, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

**WHEREAS**, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the projects costs in the program, and

**WHEREAS**, it is required by the United States Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 that in connection with the filing of an application for assistance under the Federal Transit Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder, and

**WHEREAS**, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the opportunity to participate in construction contracts, supplies, equipment contracts, or consultants and other services,

**NOW, THEREFORE, BE IT RESOLVED:** That the Director of Shoreline Metro is authorized to execute and file an application on behalf of the City of Sheboygan with the United States Department of Transportation to aid in financing of capital and operating assistance projects for calendar year 2012, pursuant to former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended.

**BE IT FURTHER RESOLVED:** That the Director of Shoreline Metro of the City of Sheboygan is authorized to execute the contract pertaining to the City of Sheboygan's application for 2012 operating and capital assistance grants under former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended.

**BE IT FURTHER RESOLVED:** That the Director of Shoreline Metro is authorized to execute and file with such applications all assurances or any other documents required by the United States Department of Transportation

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effectuating the purposes of Title VI of the Civil Rights Act of 1964 and other legally mandated requirements of the United States Department of Transportation.

**BE IT FURTHER RESOLVED:** That the Director of Shoreline Metro is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the program of projects.

**BE IT FURTHER RESOLVED:** That the Director of Shoreline Metro is authorized to execute grant agreements on behalf of the City of Sheboygan with the United States Department of Transportation for aid in the financing of the capital and operating assistance program of projects.

**Res. No. 90 - 11 - 12. By Alderperson Dekker. November 7, 2011.**

**A RESOLUTION** promoting civil public discourse.

**WHEREAS**, the principle of civility is the foundation of democracy and the rule of law; and

**WHEREAS**, public discourse today is all too often composed of divisive attacks rather than meaningful consideration of important public issues, which leads to ineffective public decision making, citizen frustration, and damage to our democracy; and

**WHEREAS**, municipal officials play an important role in shaping public behavior as leaders in our communities and therefore have a special opportunity to help steer public discourse back to a more civil direction.

**NOW, THEREFORE, BE IT RESOLVED:** That the governing body of the City of Sheboygan, Wisconsin, hereby urges all government officials and employees, political parties, media representatives, advocacy organizations, and candidates for political office and their supporters to strive toward a more civil public discourse in the conduct of political activities and in the administration of the affairs of government.

On motion by Alderperson Dekker and second by Alderperson Hammond, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey — 15.

Nays: None.

**Res. No. 91 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. November 7, 2011.**

**A RESOLUTION** lifting the hiring freeze in order to hire a Community/ Development Specialist in the City Development Department.

**WHEREAS**, the City of Sheboygan passed Resolution 28-10-11 that extended the hiring freeze to December 31, 2011;

**WHEREAS**, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council;

**WHEREAS**, the Mayor recently approved the Hiring Audit form to hire a Community/ Development Specialist in the City Development Department.

**NOW, THEREFORE, BE IT RESOLVED:** That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of a Community/ Development Specialist in the City Development Department.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey — 15.

Nays: None.

**Res. No. 92 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. November 7, 2011.**

**A RESOLUTION** lifting the hiring freeze in order to hire a Plumbing/Environmental Inspector in the City Development Department.

**WHEREAS**, the City of Sheboygan passed Resolution 28-10-11 that extended the hiring freeze to December 31, 2011;

**WHEREAS**, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council;

**WHEREAS**, the Mayor recently approved the Hiring Audit form to hire a Plumbing/ Environmental Inspector in the City Development Department.

**NOW, THEREFORE, BE IT RESOLVED:** That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of a Plumbing/Environmental Inspector in the City Development Department.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Resolution was passed on call of the roll:

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Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**Res. No. 93 - 11 - 12. By Alderpersons Hammond, Bohren, Matichek and Van Akkeren. November 7, 2011.**

**A RESOLUTION** ordering the 2012 Budget appropriations for the City of Sheboygan funds.

**RESOLVED:** That the total appropriations be established as the 2012 Budget as follows:

Was referred to the Committee of the Whole.

**Res. No. 94 - 11 - 12. By Alderpersons Hammond, Bohren, Matichek and Van Akkeren. November 7, 2011.**

**A RESOLUTION** ordering the 2012 Budget appropriations and the 2011 Tax Levy for use during the calendar year 2012.

**RESOLVED:** That there shall be levied on all taxable property, both real and personal, within the corporation limits of the City of Sheboygan, Wisconsin as listed in the 2011 assessment roll, the amount of \$15,384,886 for the General Fund, the amount of \$2,377,053 for the Library Fund, the amount of \$2,910,747 for the Debt Service Fund, and the amount of \$511,559 for the Transit Utility Fund. The total tax levy shall be \$21,184,245.

Was referred to the Committee of the Whole.

**Res. No. 95 - 11 - 12. By Alderperson Hammond. November 7, 2011.**

**A RESOLUTION** authorizing the adoption of the proposed 2012 Operating Plan for Harbor Centre Business Improvement District.

Was referred to the Committee on Finance.

**Res. No. 96 - 11 - 12. By Alderperson Hammond. November 7, 2011.**

**A RESOLUTION** authorizing entering into a Tourism Promotion and Development Agreement with the Sheboygan County Chamber of Commerce and the City of Sheboygan.

Was referred to the Committee on Finance.

**Res. No. 97 - 11 - 12. By Alderperson Hammond. November 7, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the modification of the eaves: and installation of gutters and downspouts and ice protection devices on the Harbor Centre Marina Administration Building.

Was referred to the Committee on Finance.

#### **REPORTS OF COMMITTEES**

**\*R. C. No. 218 - 11 - 12. By PUBLIC WORKS. November 7, 2011.**

Your Committee to whom was referred Com. No. 14-11-12 from Kristin Blanchard regarding the various concerns and complaints she has received from customers and vendors about the past Farmers Market season; recommends that the Communication be placed on file and to form an ad hoc committee and have staff report back to the Public Works Committee prior to the 1st week in March 2012.

**\*R. C. No. 219 - 11 - 12. By MARINA AND HARBOR. November 7, 2011.**

Your Committee to whom was referred R. O. No. 217-11-12 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated August 31, 2011, as submitted by Skipper Marine; recommends that the document be accepted and placed on file.

**\*R. C. No. 220 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. November 7, 2011.**

Your Committee to whom was referred R. O. No. 234-11-12 by the City Clerk submitting a communication from Lester Pierce stating his concerns regarding the lack of safety at the intersection of 5<sup>th</sup> St. and Washington Ct. and is requesting stop signs at that location; recommends that the Report of Officer be accepted and placed on file and to draft appropriate documents.

**\*R. C. No. 221 - 11 - 12. By LAW AND LICENSING. November 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 199-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No.      Name

6547      McKinster, Jessica M.

9082      TenPas, Nathan B.

TAXICAB DRIVER LICENSE APPLICATION (June 30, 2012)

<u>No.</u>	<u>Name</u>
9326	Dergantz, Johnathan J.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

**\*R. C. No. 222 - 11 - 12. By LAW AND LICENSING. November 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 216-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following license be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
3784	Guernsey, Dennis D.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

**\*R. C. No. 223 - 11 - 12. By LAW AND LICENSING. November 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 233-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

CLASS "B" FERMENTED MALT BEVERAGE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2867	Genos Nottolinis Pizza	2209 S. Business Dr.

CLASS "C" WINE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2867	Genos Nottolinis Pizza	2209 S. Business Dr.

WHOLESALE BEER LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2869	Three Sheeps Brewing Co.	1327 N. 14 <sup>th</sup> St.

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9348	Bakewell, Sarah J.
9356	Broussard, Mercedes Y.
9354	Dwan, H. James
9364	Eaton, Kathryn I.
9355	Filipiak, Caleb J.
9346	Huerta, Jaime A.
3553	Loesing, Stephanie A.
9353	Phalin-Christman, Thomas J.
9345	Prueser, Stephanie J.
9358	Schmitz, Justine J.
9349	Soyk, Amanda J.
9361	Tewinkle, Melissa J.
9294	Torres, Monica
8390	Wiedmeyer, Ashley N.
9359	Wilke, Patricia J.
9363	Wilsing, Lynn M.

TAXICAB DRIVER LICENSE APPLICATION (June 30, 2012)

<u>No.</u>	<u>Name</u>
9352	Graminske, Diane M.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

**\*R. C. No. 224 - 11 - 12. By FINANCE. November 7, 2011.**

Your Committee to whom was referred Res. No. 61-11-12 by Alderperson Sampson designating proposed amended boundaries and approving a project plan amendment for Tax Incremental District No. 14, City of Sheboygan, Wisconsin; recommends that the Resolution be placed on file.

**R. C. No. 225 - 11 - 12. By LAW AND LICENSING. November 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 216-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License No.



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9331 be denied based upon her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted, on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**R. C. No. 226 - 11 - 12. By LAW AND LICENSING. November 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 216-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License No. 9339 be denied based upon her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted, on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**\*R. C. No. 227 - 11 - 12. By PUBLIC WORKS. November 7, 2011.**

Your Committee to whom was referred Gen. Ord. No. 38-11-12 by Alderperson Bohren amending Sections 122-403, 122-404 and 122-405 of the Municipal Code relating to sewers and sewerage disposal; recommends that the Ordinance be passed.

**RESOLUTION ON SECOND READING**

**\*Res. No. 88 - 11 - 12. By Alderperson Sampson. October 17, 2011.**

**A RESOLUTION** adopting the Schuchardt Farms Conservation Plan to protect important resources on the site, while at the same time providing development opportunities to promote job creation goals of the City of Sheboygan.

**WHEREAS**, the Mayor, City Development staff, GRAEF, & the Wisconsin Department of Natural Resources worked to develop a plan that establishes the groundwork for future conservation and development of the property that preserves priority areas and conserves the resources of the property to benefit fish and wildlife habitat and populations, and

**WHEREAS**, the plan provides two concept plans to protect high value resources while developing the property in an environmentally sensitive and sustainable manner.

**NOW, THEREFORE, BE IT RESOLVED:** That the Common Council hereby approves and adopts the Schuchardt Conservation Plan as a guide for future development and preservation of the Willow Creek Business Park.

**ORDINANCE ON SECOND READING**

**\*Gen. Ord. No. 38 – 11 – 12. By Alderperson Bohren. October 17, 2011.**

**AN ORDINANCE** amending Sections 122-403, 122-404 and 122-405 of the Municipal Code relating to sewers and sewerage disposal.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 122-403 of the Municipal Code entitled, "Categories of Users; Amounts; Reassignment - City of Sheboygan", is hereby amended to read as follows:

"Sec. 122-403. Categories of Users; Amounts; Reassignment - City of Sheboygan

(a) No change

(1) Definition: The term "category A" is defined as normal domestic strength wastewater, that is, wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 138 mg/l, suspended solids no greater than 183 mg/l, and total phosphorus no greater than 4.4 mg/l.

(2) Amount: The sewer service charge for category A wastewater is as follows:

a. Fixed charge, \$24.27 per quarter.

b. Volume charge, \$1.5558 total charge per 100 cubic feet.

(b) Category B. No change

(1) Definition: The term "category B" is defined as wastewater having concentrations of biochemical oxygen demand greater than 138 mg/l, suspended solids greater than 183 mg/l, and phosphorous greater than 4.4 mg/l.

Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The minimum category B charge will be based on a concentration of not less than 132 mg/l for BOD, 190 mg/l for suspended solids, and 4.5 mg/l for phosphorous.

- (2) Amount: No change
- Fixed Charge - \$24.27 per quarter;
  - If billing is on a monthly basis, \$8.09 per month.
  - Volume Charge, \$1.5558 per 100 cubic feet
  - Surcharge, total (per pound):
    - BOD greater than 138 mg/L, \$0.2158.
    - Suspended Solids greater than 183/mg/L, \$0.1502.
    - Phosphorus greater than 4.4 mg/L, \$4.188.
- (3) Computation - No change
- (c) Reassignment of Users - No change
- (d) Sampling Requirement - No change
- No change
  - Sampling periods shall be two (2) consecutive days during normal operation.
  - No change
  - No change
  - Sampling frequency (highest frequency applies) shall be as follows:

<i>Sampling Frequency</i>	<i>Daily Pounds BOD</i>	<i>Waste Load Suspended Solids</i>	<i>Total Phosphorus</i>
Every other month	>600	>600	>12
Quarterly	300-600	300-600	6-12
Semi-annual	<300	<300	<6

- (6) No change"

Section 2. Section 122-404 of the Municipal Code entitled, "Categories of users; amounts; reassignment for other municipalities," is hereby amended to read as follows:

"Sec. 122-404. Categories of users; amounts; reassignment for other municipalities.

Other municipal users shall be charged pursuant to the guidelines established under this section.

	Village of Kohler	City of Sheboygan Falls	Town of Sheb. San. Dist. 2	Town of Wilson Sanitary No. 1	Dist. No. 2
Fixed Charge -	None	None	None	None	None
Volume Charge:					
Volume	\$0.2383	\$0.2383	\$0.2383	\$0.2383	\$0.2383
Debt Retirement	<u>.1554</u>	<u>.1554</u>	<u>.1554</u>	<u>.1554</u>	<u>.1554</u>
Total Volume Charge,					
per 1,000 gallons	0.3937	0.3937	0.3937	0.3937	0.3937
Surcharges:					
BOD	0.2158	0.2158	0.2158	0.2158	0.2158
Suspended Solids	0.1502	0.1502	0.1502	0.1502	0.1502
Phosphorus	4.1880	4.1880	4.1880	4.1880	4.1880

Section 3. Section 122-405 of the Municipal Code entitled, "Charges for disposal of septic tank sludge, holding tank sewerage, or hauled wastewater," is hereby amended to read as follows:

"Sec. 122-405. Charges for disposal of septic tank sludge, holding tank sewerage, or hauled wastewater.

A person with a permit for disposing of hauled wastewater into the wastewater collection and treatment facilities shall be subject to the following charges and requirements:

- Septic tank sludge, \$40.00 per 1,000 gallons.
- Holding tank sewage, \$6.00 per 1,000 gallons.
- Other hauled wastewater.
  - Hauled wastewater shall be sampled and characterized on the basis of suspended solids, BOD, total phosphorous, and pH. Frequency of sampling shall be based on experience and under the direction of the superintendent of the wastewater treatment plant.
  - Charges shall be made in accordance with the following method:
    - Hauled wastewater analysis data shall be applied to the formula set forth in subsection 122-403(b)(3) exclusive of the fixed billing charge.

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2. The discharge fee per 1,000 gallons shall be determined on the result of subsection (3)(b.1 of this section, multiplied by 1.25.”

Section 4. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

#### ORDINANCE INTRODUCED

**Gen. Ord. No. 41 - 11 – 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. November 7, 2011**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to change the Job Description for the position of Plumbing/Environmental Inspector in the City Development Department for the City of Sheboygan.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, “List of Classes and Class Specifications,” is hereby amended in Section 3 City Development Department as follows:

**DELETE:**

3. CITY DEVELOPMENT DEPARTMENT

	Job Code	Class Grade	NO. of Employees
Plumbing/Environmental Inspector	D07480B	17	1.0

**ADD:**

Plumbing/Environmental Inspector	D07480B	17	1.0
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Section 2. The new job description for the Plumbing/Environmental Inspector in the City Development Department is attached, and copies of which shall be on file in the offices of the City Clerk, City Finance and Human Resources Department.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect from and after its passage and publication.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

**Gen. Ord. No. 42 – 11 – 12. By Alderpersons Kittelson and Kath. November 7, 2011.**

**AN ORDINANCE** granting Joseph E. and Kathleen E. Jantz, their heirs and assigns, the privilege of encroaching upon described portions of N. 15<sup>th</sup> St. located at N. 15<sup>th</sup> St. and Wisconsin Ave. in the City of Sheboygan for the purpose of paving a parking lot (1418 Wisconsin Ave.).

Was referred to the City Plan Commission.

**Gen. Ord. No. 43 – 11 – 12. By Alderpersons Kittelson and Kath. November 7, 2011.**

**AN ORDINANCE** granting Joseph E. and Kathleen E. Jantz, their heirs and assigns, the privilege of encroaching upon described portions of Wisconsin Avenue located at N. 15<sup>th</sup> Street and Wisconsin Ave. in the City of Sheboygan for the purpose of paving a parking lot (810 N. 14<sup>th</sup> St.).

Was referred to the City Plan Commission.

**Gen. Ord. No. 44 – 11 - 12. By Alderperson Kittelson. November 7, 2011.**

**AN ORDINANCE** relating to stop signs so as to add stop signs at the locations specified in Section 1 below.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled, “Prohibitions and Restrictions Authorized”, traffic shall stop at the following intersections:

Was referred to the Committee on Public Protection and Safety.

**Gen. Ord. No. 45 - 11 – 12. By Alderperson Kittelson. November 7, 2011.**

**AN ORDINANCE** amending the City of Sheboygan Municipal Code relating to Section 26-1008 Certification of Compliance with Clearwater Requirements to add permit fees, to require a written request for a Clearwater Inspection, and to further require a permit fee for same.

Was referred to the Committee on Public Protection and Safety.

**Gen. Ord. No. 46 – 11 - 12. By Alderperson Kittelson. November 7, 2011.**

**AN ORDINANCE** relating to stop signs so as to require traffic on N. 27<sup>th</sup> St. to stop at the intersection with Center Ave.

Was referred to the Committee on Public Protection and Safety.

**MATTERS LAID OVER****Gen. Ord. No. 32 – 11 – 12. By Alderpersons Roeseler, Kittelson and Sampson. October 17, 2011.**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Planning & Development Specialist and create the Job Description of Community/Development Specialist in the City Development Department for the City of Sheboygan.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended in Section 3 City Development Department as follows:

**DELETE:**

## 3. CITY DEVELOPMENT DEPARTMENT

	Job Code	Class Grade	NO. of Employees
Planning & Development Specialist	A07061A	10A	1.0

**ADD:**

Community/Development Specialist	A07061A	10A	1.0
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Section 2. The new job description for the Community/Development Specialist in the City Development Department is attached, and copies of which shall be on file in the offices of the City Clerk, City Finance Director/Treasurer and Human Resources Department.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect from and after its passage and publication and as of January 1, 2012.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

**Gen. Ord. No. 33 – 11 – 12. By Alderpersons Roeseler, Versey, Kittelson, Sampson and Dekker. October 17, 2011.**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete and add various positions to the Table of Organization in the Finance Department for the City of Sheboygan.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Part-time Cashier Data Clerk and create a (full-time) Cashier Data Clerk. The job description remains the same.

**DELETE:**

## 5. FINANCE DEPARTMENT

	Job Code	Class Grade	NO. of Employees
Cashier Data Entry Clerk (average up to 20 hours/week)	B06130A	02	1.0

**ADD:**

Cashier Data Entry Clerk Full-time	B06130A	02	1.0
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Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect upon passage and publication and as of January 1, 2012.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

**Gen. Ord. No. 34 – 11 – 12. By Alderpersons Roeseler, Versey, Kittelson, Sampson and Dekker. October 17, 2011.**

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**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete and add various positions to the Municipal Court Table of Organization for the City of Sheboygan.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Part-time Municipal Court Assistant Deputy Clerk and Part-time Municipal Court Deputy Clerk and create a (full-time) Municipal Court Deputy Clerk.

**DELETE:**

A. 8. MUNICIPAL COURT

	Job Code	Class Grade	NO. of Employees
Part-time Municipal Court Deputy Clerk (average up to 30 hours/week)	A16021A	09	1.0
Part-time Municipal Court Assist Deputy Clerk	A16031A	02	1.0
<b><u>ADD:</u></b> Municipal Court Deputy Clerk Full-time	A16021A	09	1.0

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect from and after its passage and publication and as of January 1, 2012.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

**Gen. Ord. No. 35 - 11 - 12. By Alderpersons Hammond, Bohren, Matichek and Van Akkeren. October 17, 2011.**

**An ORDINANCE** amending subsection 2-873 (a) of the Sheboygan Municipal Code so as to provide for a petty cash fund for the City Clerk's office.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-873 of the Sheboygan Municipal Code, entitled "Petty cash funds" is hereby amended to add subsection (a) (8) thereof to read as follows:

"Sec. 2-873. Petty cash funds

(8) City Clerk..... \$100.00

Section 2. All ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

On motion by Alderperson Hammond and second by Alderperson Van Akkeren, the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

There being no further business, on motion by Alderperson Dekker and second by Alderperson Hammond, the meeting was then adjourned, all Alderpersons present voting "Aye".

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Mayor

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City Clerk